



Office of the Attorney General

State of Texas

November 4, 1996

DAN MORALES
ATTORNEY GENERAL

Ms. Lan P. Nguyen
Assistant City Attorney
P.O. Box 1562
Houston, Texas 77251-1562

OR96-2029

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101520.

The Houston Police Department (the "department") received a request for all police records of a certain individual. You state that you have released portions of the information to the requestor. You claim that the remaining information is excepted from required public disclosure by section 552.108 of the Government Code.

Where an individual's criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual's right to privacy. *See United States Dep't. of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989). Thus, where the subject of this request is a possible suspect, we conclude that the department must withhold this information under section 552.101 of the Government Code. *See id.*; *see also* Gov't Code § 411.106(b).

We note, however, that some of the requested information does not involve the subject of the request as a possible suspect. This information is not deemed confidential under *Reporter's Committee*. You claim that the information is excepted from disclosure by section 552.108. Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Information normally found on the front page of an offense report, however, is generally considered public. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. *See* Open Records Decision No. 127

(1976) (summarizing the types of information deemed public by *Houston Chronicle*). We therefore conclude that, except for front page offense report information, section 552.108 of the Government Code excepts the requested records which do not involve the subject of the request as a possible suspect from required public disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 101520

Enclosures: Submitted documents

cc: Ms. Emilse Verastegui
6417 Antoine #2411
Houston, Texas 77091
(w/o enclosures)